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09/647,049	11/14/2000	Miodrag Novakovic	4966-17PUS	2881

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THOMAS LANGER, ESQ.
COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

RHEE, JANE J

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No. 09/647,049	Applicant(s) MIODRAG NOVAKOVIC	
	Examiner Jane J Rhee	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7, 10-13, 15-17, 19 and 20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3-7, 10-13, 15-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Rejections Repeated

1. The 35 U.S.C. 112 second paragraph rejection of claims 16 has been repeated for the reasons made previously in paper 12.

Rejections Withdrawn

2. The 35 U.S.C. 103 (a) rejection of claims 3-7,10-18 over Brown in view of Owens has been withdrawn due to applicant's amendment in response 2/9/04.

The following are new grounds of rejection for the newly presented claims 3-7,10-13, 15-17,19-20 in amendment filed on 2/9/04.

New Rejections

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3,11,17,19 rejected under 35 U.S.C. 102(b) as being anticipated by Santiago (WO 9634164).

Santiago discloses a covering panel, particularly for a floor comprising a plurality of tiles (figure 3 number 15) a support plate having an upper face and a lower face and a thickness between the faces (figure 2 number 3), the supporting plate being made from a flexible material that is elastically compressible in the direction of the thickness (abstract line 5), the tiles being individually attached to the upper face of the supporting

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plate (figure 2 number 2 and 3) while being juxtaposed thereon in a way that when the panel is in flat state, the side edges of one tile are in direct contact with the side face of the adjacent tile (figure 3 number 15) with edges of adjacent tiles being aligned to form continuous lines on the upper face of the panel (figure 3 number 15), each tile comprising an upper covering plate having side faces (figure 2 number 2) and portions of the supporting plate beneath the continuous lines formed by the aligned edges of adjacent tiles constituting folding lines along which the supporting plate and the panel are foldable (figure 3 number 18), and wherein the panel is a rigid panel against forces acting on its upper surface, when the tiles are aligned in the same plane with their side faces in contact with one another (abstract line 4, cover panel made of wood or the like). Santiago discloses that the upper covering plate is a plate with low flexural strength (abstract line 4, cover panel made of wood or the like). Santiago discloses that the tiles are attached on the flexible support plate by adhesive bonding (figure 2 number 4). Santiago discloses a covering particularly for a floor characterized in that it is formed by the contiguous juxtaposition of panels on a laying surface (figure 3). Santiago discloses that a tile comprises an upper covering plate disposed on a rigid plate (abstract line 4). Santiago discloses that the upper covering plate comprises wood, ceramic or parquet (abstract line 4 and translated abstract title). Santiago discloses that the foldable portions of the supporting plate and the panel can be folded until they come in contact with one another (figure 9).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-7,10,13,15-16,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santiago (WO 9634164) in view of Brown (4698249).

Santiago discloses the panel described above. Santiago fail to disclose at least one lower rigid supporting plate having side faces, made of a material with high flexural strength such as plate of sheet metal, stainless steel, wood, wood composite or another composite material on which the upper plate is attached, the upper and lower plates having the same shape with the corresponding side faces of the covering plate and the supporting plate forming the side faces of the tile. Santiago fails to disclose that the supporting plate is made of foam.

Brown teaches at least one lower rigid supporting plate having side faces, made of a material with high flexural strength such as plate of sheet metal, (col. 29 lines 20-22) on which the upper plate is attached, the upper and lower plates having the same shape with the corresponding side faces of the covering plate and the supporting plate forming the side faces of the tile (figure 3 number 26,10) for the purpose of creating a gravity held in place load bearing horizontal tile array (col. 29 lines 23-24). Brown

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teaches that the supporting plate is made of foam for the purpose of providing a horizontal disassociation cushioning layer (col. 29 line 30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Santiago with at least one lower rigid supporting plate having side faces, made of a material with high flexural strength such as plate of sheet metal, stainless steel, wood, wood composite or another composite material on which the upper plate is attached, the upper and lower plates having the same shape with the corresponding side faces of the covering plate and the supporting plate forming the side faces of the tile in order to create a gravity held in place load bearing horizontal tile array (col. 29 lines 23-24) as taught by Brown.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Santiago with the supporting plate is made of foam in order to provide a horizontal disassociation cushioning layer (col. 29 line 30) as taught by Brown.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santiago in view of Owens (4931331).

Santiago discloses the panel described above. Santiago fail to disclose that the tile of covering extending parallel is formed by a strip to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed in the direction of the length of the strip on the supporting plate, several strips being juxtaposed on the supporting plate.

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Owens teaches a tile product, which comprises a ceramic substrate having opposed major surfaces, and a layer of natural stone that preferable comprises a plurality of strips made of fossilstone (abstract). Owens teaches a tile that is formed by a strip of covering extending parallel to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed in the direction of the length of the strip on the supporting plate, several strips being juxtaposed on the supporting plate (figure 5c number 1) for the purpose of enabling a relatively unskilled individual to install in by himself (col. 3 lines 58-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided Santiago with a tile that is formed by a strip of covering extending parallel to one edge of the panel and whose length corresponds to the length of the edge, and attached on several rigid plates juxtaposed in the direction of the length of the strip on the supporting plate, several strips being juxtaposed on the supporting plate (figure 5c number 1) in order to enable a relatively unskilled individual to install in by himself (col. 3 lines 58-59) as taught by Owens.

Response to Arguments

6. Applicant's arguments with respect to claims 3-7,10-13,,15-17,19-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

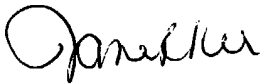
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Ahmad can be reached on 571-272-1487. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee
April 20, 2004



NASSER AHMAD
PRIMARY EXAMINER